REMARKS

Reconsideration and allowance of the above-reference application are respectfully requested. Claims 27-30 are canceled, new claims 41-44 are added, and claims 1-26 and 31-44 are pending in the application.

Applicant notes the absence of any objection to the drawings; hence, it is believed the objection has been overcome.

Claims 1, 11, 21, and 31 were rejected under 35 USC §103 in view of U.S. Patent Publication No. 2003/0016684 by Prasad et al. This rejection is respectfully traversed.

Each of the independent claims 1, 11, 21, and 31 specify that the signaling network node classifies the received signaling message as assigned to a specific message class based on prescribed message class criteria: as described for example on page 6, lines 25-9, page 7, line 4 to page 8, line 25 (with respect to Fig. 2) and page 9, line 28 to page 10, line 8 with respect to Fig. 4, the processor executes the classification according to the prescribed message class criteria to assign the received signaling message to a specific message class.

In particular, the "prescribed message class criteria" are illustrated in Figs. 1 and 2 as "classification methods" executed by the processor 26 and that are distinct and independent from the routing information stored in the routing table 20 (see, e.g., page 7, line 4 to page 8, line 19, page 9, line 28 to page 10, line 1, and page 10, lines 7-8).

Hence, the claimed "classifying" does <u>not</u> rely on the routing information in the routing table, but rather executes the "classifying" based on *prescribed message class criteria* (illustrated, for example, in Fig. 2 and step 40 of Fig. 4). (In fact, newly-dependent claims 41-44 explicitly specify that the classifying is independent of any information in the routing table).

In addition to "classifying the received signaling message as assigned to a specific message class", the claims further specify that one of the message class entries stored in the routing table is selected based on the corresponding *identified message class* (identified by the *message class entry*) matching the *specific message class assigned* to the received signaling message. In other words, "classifying" the received signaling message results in the received signaling message being *assigned* to "a specific message class", such that the one message class

Amendment filed March 14, 2007 Appln. No. 10/022,443 Page 12 entry can be selected based on identifying the one message class entry having a corresponding *identified message class* that <u>matches</u> the <u>specific message class <u>assigned</u></u> to the received signaling message (see, e.g., page 8, lines 22-25, page 10, lines 7-13 of the specification).

Therefore, the broadest reasonable interpretation of the claimed "classifying" requires not only that a given attribute of the received signaling message be "determined", but that the received signaling message be assigned to a specific message class in order to identify a message class entry having a matching identified message class.

These and other features are neither disclosed nor suggested in the applied prior art.

The Examiner's Interpretation of the Claims is Unreasonable

Applicant traverses the tortured interpretation of the claims by the Examiner, as being unreasonable: the broadest *reasonable* interpretation must be (1) consistent with the specification, and (2) consistent with the interpretation that those skilled in the art would reach.¹

The rejection demonstrates an unreasonably broad interpretation of the claimed "classifying", and classifying the received signaling message "as assigned to a specific message class based on prescribed message class selection criteria."

For example, the rejection states that the claimed "classifying" is interpreted "in [its] broadest sense" as equivalent to "determining" (see page 8), while disregarding the explicit claim language that the classifying necessarily requires assigning the received signaling message to a specific message class based on prescribed message class selection criteria. As described above, the classifying is described in the specification as executed by the processor 18 using

^{1&}quot;During patent examination, the pending claims must be 'given their broadest reasonable interpretation consistent with the specification." MPEP §2111 at 2100-46 (Rev. 3, Aug. 2005) (quoting In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000)).

[&]quot;The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach." MPEP §2111.01 at 2100-47 (Rev. 3, Aug. 2005) (citing In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999)).

prescribed classification methods 26 that are <u>distinct</u> from the routing table 20. Hence, the broadest reasonable interpretation of "classifying" must be consistent with the disclosed classification methods 26 executed by the processor 18 <u>that can be distinct from information in the routing table 20</u>.

Further, as demonstrated by the attached Exhibits A and B, the term "classify" generally refers to arranging, assigning, ordering, or organizing by class or kind (see Exhibit A), consistent with the claimed "classifying the received signaling message as assigned to a specific message class based on prescribed message class selection criteria"; in contrast, the term "determine" (see Exhibit B) does not include any of the attributes of arranging, assigning, ordering, or organizing by class or kind, but rather refers to reaching a conclusion or decision. Hence, one skilled in the art would not conclude that "determining a routing context" as described in Prasad is a teaching of "classifying the received signaling message as assigned to a specific message class", because one skilled in the art would interpret the term "classifying" as an active assignment to a specific class based on prescribed class selection criteria, as opposed to "determining a routing context" which refers to learning the routing context only after accessing a routing table.

Further, the assertion in the rejection that the claimed "prescribed message class selection criteria" can be so broadly construed as to encompass the disclosed routing table of Prasad is inconsistent with the specification (see *supra* that the specification describes classification methods 26 executed with in the processor distinct from the routing table); further, this unreasonably broad interpretation of "prescribed message class selection criteria" reading on the routing table of Prasad disregards the fact that a routing table <u>also</u> is claimed, therefore the claimed "prescribed message class selection criteria" is <u>explicitly distinct</u> from the claimed routing table. Hence, the Examiner's interpretation of the "prescribed message class selection criteria" is unreasonable in view of the specification and the explicit language that claims a

Amendment filed March 14, 2007 Appln. No. 10/022,443 Page 14 routing table distinct from the "prescribed message class selection criteria".2

This unreasonable interpretation of "prescribed message class selection criteria" is also the basis for the mischaracterization of the specification on page 8 of the Official Action, where the rejection asserts "Applicant discloses the use of destination information for classification purposes", and then assert "Prasad teaches determining (classifying) a routing context (message class) ... using a routing table (prescribed message selection class criteria)". The Official Action disregards that the description on page 8, lines 15-17 refers to the prescribed message class selection criteria that are distinct from the routing table 20, especially since the following description at page 8, lines 20-25 describes that after the received signaling message is classified, the processor 18 access the routing table 20 to find a matching message class entry. Further, page 9, lines 7-13 specify:

The processor 18 classifies in step 44 a received signaling message using the selected classification method 26. The processor 18 then selects one of the message class entries 24 having a class identifier 34 matching the classification of the received signaling message. For example, the processor 18 first identifies in step 46 the matching destination point code entry 30 from the linkset entries 22 using the destination point code values of the received signaling message. The processor 18 then matches in step 48 the message class entry 24 having the class identifier 34 matching the class assigned by the processor, for the identified linkset 32.

Hence, the claimed "classifying" is <u>distinct</u> from the information stored in the claimed routing table.

No Prima Facie Case of Obviousness

The rejection also fails to establish a prima facie case of obviousness. For example, the

²To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." MPEP §2143.03 at 2100-139 (Rev. 3, Aug. 2005).

rejection admits on page 3 that "Prasad fails to explicitly suggest *message classes*"; hence, this admission <u>refutes</u> the prior assertions in the rejection that "Prasad discloses a routing table configured for storing message class entries *identifying respective message classes*" (page 2 of the Office Action), "and a processor configured for selecting one of the destination links based on the processor classifying the received signaling message as assigned to the corresponding [sic] *message class*³ based on prescribed message class selection criteria".

Further, the rejection fails to precisely identify the claimed features of "a specific message class", the "prescribed message class selection criteria", and the "identified message class": the rejection asserts on page 8 that Prasad teaches determining a routing context for an SS7 signal using a routing table by associating them with corresponding routing codes. The claims, however, specify "a routing table configured for storing message class entries identifying respective message classes", which is distinct from the "classifying the received signaling message as assigned to a specific message class based on prescribed message class selection criteria" hence, the rejection fails to demonstrate how the routing table of Prasad can be a teaching of both the claimed "routing table" and the claimed "prescribed message class selection criteria".

Further, the rejection fails to distinguish between the claimed "specific message class" (to which the received signaling message is assigned during classifying), and the claimed "identified message class" which is identified in the message class entry; rather, the rejection disregards the distinction and assumes the "specific message class" and the "identified message class" are the same, considering the routing context *in the routing table* to be a teaching of both the "specific message class" and the "identified message class" without a rational explanation thereof.

Hence, the rejection fails to consider each and every claim limitation, but presents inconsistent positions regarding what is disclosed in Prasad.

Further, the rejection is legally deficient because it fails to establish a prima facie case of

³The rejection fails to address the specific claim limitation of "classifying the received signaling message as assigned to *a specific* message class".

obviousness, but rather attempts to argue a legally unfounded hybrid-obviousness-based-on-broadest-reasonable-interpretation argument:

However Prasad teaches a routing context for the management of SS7 signals, as the Examiner interprets the claims in their broadest sense [sic], it would have been obvious to one of ordinary skill in the art to *realize* that the "routing context" taught by Prasad *could read on the "message class" disclosed by the Applicant* because both are used for the organization of signaling messages into categories for treatment.

This rejection is legally deficient because it fails to establish one having ordinary skill in the art would have been motivated to <u>modify</u> Prasad in order to provide the claimed features *in the manner claimed*. Rather, the rejection simply states that it would of been obvious for one of ordinary skill in the art to "realize" that the disclosed routing context of Prasad "could read on the 'message class' disclosed by the Applicant". The rejection fails to demonstrate that one having ordinary skill in the are actually would have been <u>motivated</u> to modify Prasad to *include* message classes, but rather improperly asserts that one skilled in the art <u>could</u> interpret the routing context as a message class.⁵

Applicant further traverses the assertion that "both [routing context and message class] are used for the organization of signaling messages into categories for treatment", because the Examiner is applying hindsight in using the applicant's own specification in rejecting the claims: there is no evidence of any disclosure or suggestion in the art of "the organization of signaling

⁴Cf. In re Lee, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002) (quoting In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed"); In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1458 (Fed. Cir. 1998) ("the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed." (emphasis added)).

⁵ "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). *In re Mills*, 16 USPQ2d 1430 (Fed. Cir. 1990).

message into categories for treatment"; rather, the applied prior art consistently demonstrates that no information about the received signaling message is known until the routing table is accessed to determine the necessary routing context from a matching routing table entry.

In contrast, each of the independent claims specify "classifying the received signaling message as assigned to a specific message class based on prescribed message class selection criteria" that is distinct from "selecting one of the message class entries", especially since the "specific message class" is used to select the one message class entry having the corresponding identified message class.

The Examiner concedes that Prasad et al. describes that a processor in a signal transfer point (STP) that first reviews the SS7 routing table (RT) 210 to determine the routing context associated with the routing code specified by the received SS7 signal as the destination address. The Office Action also admits that Prasad et al. teaches that Prasad et al. "associates the routing codes to routing contexts stored in a routing table" and "transmits the SS7 signal to a destination after determining the specific routing contexts and their associated routing codes". Hence, Prasad et al. requires accessing the routing table in order to determine the associated routing context.

The rejection fails to demonstrate that interpreting "classifying" as "determining" is reasonable; interpreting "prescribed message class selection criteria" as "a routing table" is reasonable; and has failed to demonstrate a prima facie case of obviousness that establishes it would have been obvious to classify a received signaling message as assigned to a specific message class (based on prescribed message class selection criteria), in order to select a message class entry having a corresponding identified message class that matches the specific message class, as claimed.

For these and other reasons, the §103 rejection should be withdrawn.

It is believed the dependent claims are allowable in view of the foregoing.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R.

Amendment filed March 14, 2007 Appln. No. 10/022,443 Page 18 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-474, and please credit any excess fees to such deposit account.

Respectfully submitted,

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Registration No. 34,035

Customer No. 23164 (202) 261-1059

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clas · si · fy (klas - uh - fahy) Pronunciation Key

- -verb (used with object), -fied, -fy·ing.
- 1. to arrange or organize by classes; order according to class.
- 2. to assign a classification to (information, a document, etc.). Compare CLASSIFICATION (def. 5).
- to limit the availability of (information, a document, etc.) to authorized persons.

[Origin: 1790-1800; $< L classi(s) CLASS + -FY_s$]

-Related forms

clas·si·fi·a·ble, adjective

-Synonyms 1. class, rank, rate, categorize, group.

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clas·si·fy (klās'ə-fī') Pronunciation Key

tr.v. clas·si·fied, clas·si·fy·ing, clas·si·fies

- 1. To arrange or organize according to class or category.
- 2. To designate (a document, for example) as confidential, secret, or top secret.

clas'si · fi'a · ble · adj.

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classify

1799, from Fr. classifier, from classe (see class). Classification is from 1790.

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verb

1. arrange or order by classes or categories; "How would you classify these pottery shards--are they prehistoric?"

2. declare unavailable, as for security reasons; "Classify these documents" [ant: declassify]

3. assign to a class or kind; "How should algae be classified?"; "People argue about how to relegate certain mushrooms" [syn: relegate]

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Kernerman English Multilingual Dictionary (Beta Version) - Cite This Source

classify ['klæsifai] verb

to put into, or be in, a particular class or group Example: How are the books in the library classified?

يُصِنَّف :Arabic Chinese (Simplified): 把...分类

Chinese (Traditional): 把...分類 Czech: (roz)třídit

> Danish: kategorisere; inddele;

klassificere Dutch: indelen

Estonian: liigitama Finnish: luokitella

French: classer German: einteilen

Greek: ταξινομώ

Hungarian: osztályoz Icelandic: flokka

Indonesian: menggabungkan

Italian: classificare

Japanese: 分類する

Korean: 분류하다 Latvian: klasificēt

Lithuanian: klasifikuoti.

priskirti tam tikrai klasei, *kategorijai

Norwegian: klassifisere, dele inn i klasser

Polish: klasyfikować

Portuguese (Brazil): classificar Portuguese (Portugal): classificar

Romanian: a clasifica

Russian: классифицировать

Slovak: triediť *Slovenian:* razvrstiti (v razrede)

Spanish: clasificar

Swedish: klassificera, indela Turkish: siniflandirmak, tasnif etmek

See also: classified, classified ad

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Merriam-Webster's Medical Dictionary - Cite This Source

Main Entry: clas · si · fy Pronunciation: 'klas-&-"fI Function: transitive verb Inflected Forms: -fied; -fy · ing

: to arrange in classes that have systematic relations usually founded on common

properties < how would you classify these animals>

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de ter mine (di-tur-min) Pronunciation Key verb, -mined, -min ing.

- -verb (used with object)
- 1. to settle or decide (a dispute, question, etc.) by an authoritative or conclusive decision.
- 2. to conclude or ascertain, as after reasoning, observation, etc.
- 3. Geometry. to fix the position of.
- 4. to cause, affect, or control; fix or decide causally: Demand for a product usually determines supply.
- 5. to give direction or tendency to; impel.
- 6. Logic. to limit (a notion) by adding differentiating characteristics.
- 7. Chiefly Law. to put an end to; terminate.
- 8. to lead or bring (a person) to a decision.
- 9. to decide upon.
- -verb (used without object)
- 10. to come to a decision or resolution; decide.
- 11. Chiefly Law. to come to an end.

[Origin: 1325-75; ME determinen < AF, OF determiner < L déterminare, equiv. to $d\acute{e}$ - $\underline{\text{DE}}$ - + terminare to bound, limit; see $\underline{\text{TERMINATE}}$.]

—Synonyms 1. resolve, adjust. See <u>DECIDE</u>. 2. verify. 4. influence. 5. induce, lead, incline.

Dictionary.com Unabridged (v 1.1)

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de·ter·mine (dǐ-tûr'mĭn) Pronunciation Key v. de·ter·mined, de·ter·mineing, de·ter·mines

v. *tr.*

- To decide or settle (a dispute, for example) conclusively and authoritatively.
 - b. To end or decide, as by judicial action.
- 2. To establish or ascertain definitely, as after consideration, investigation, or calculation. See Synonyms at discover.

Exhibit B to Amendment filed March 14, 2007 Appln. No. 10/022,443

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- 3. To cause (someone) to come to a conclusion or resolution.
- 4. To be the cause of; regulate: Demand determines production.
- 5. To give direction to: The management committee determines departmental policy.
- 6. To limit in scope or extent.
- 7. Mathematics To fix or define the position, form, or configuration of.
- 8. Logic To explain or limit by adding differences.
- 9. Law To put an end to; terminate.

v. intr.

- 1. To reach a decision; resolve. See Synonyms at decide.
- 2. Law To come to an end.

[Middle English determinen, from Old French determiner, from Latin determinare, to limit: de-, de- + terminus, boundary.]

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determine

c.1374, "to come to an end," also "to settle, decide," from O.Fr. determiner (12c.), from L. determinare "set limits to," from de- "off" + terminare "to mark the end or boundary," from terminus "end, limit." Sense of "coming to a firm decision" (to do something) is from 1450. Determination "quality of being resolute" is from 1822. Determinism is 1846 in theology (lack of free will); 1876 in general sense of "the doctrine that everything that happens is determined by a necessary chain of causation."

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WordNet - Cite This Source determine

verh

- establish after a calculation, investigation, experiment, survey, or study; "find the product of two numbers"; "The physicist who found the elusive particle won the Nobel Prize"
- 2. shape or influence; give direction to; "experience often determines ability"; "mold public opinion"
- 3. fix conclusively or authoritatively; "set the rules"
- 4. decide upon or fix definitely; "fix the variables"; "specify the parameters" [syn: specify]
- reach, make, or come to a decision about something; "We finally decided after lengthy deliberations" [syn: <u>decide</u>]
- 6. fix in scope; fix the boundaries of; the tree determines the border of the property
- 7. settle conclusively; come to terms; "We finally settled the argument" [syn: settle]
- 8. find out, learn, or determine with certainty, usually by making an inquiry or other effort; "I want to see whether she speaks French"; "See whether it works"; "find out if he speaks Russian"; "Check whether the train leaves on time"

WordNet® 2.1, @ 2005 Princeton University

<u>American Heritage Dictionary of Idioms</u> - <u>Cite This Source</u> determine

> Exhibit B to Amendment filed March 14, 2007 Appln. No. 10/022,443

see bound and determined.

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determine¹ [di'tə:min] *verb* to fix or settle; to decide

Example: He determined his course of action.

يُفَرِّد: Arabic: يُفرِّد: Chinese (Simplified): 决定 Chinese (Traditional): 決定

Czech: určit, stanovit

Danish: fastlægge;
beslutte;
bestemme

Dutch: besluiten tot

Estonian: kindlaks määrama Finnish: päättää French: déterminer German: bestimmen Greek: αποφασίζω, προσδιορίζω Hungarian: meghatároz

lcelandic: fastákveða *Indonesian:* memutuskan *Italian:* determinare Japanese: 決定する

Korean: 결정하다 Latvian: nolemt; apņemties

Lithuanian: nuspręsti
Norwegian: bestemme,
fastlegge,
beslutte
Polish: ustalać

Portuguese (Brazil): determinar Portuguese (Portugal): determinar Romanian: a stabili Russian: определять;

решать
Slovak: určiť
Slovenian: določiti
Spanish: determinar,
decidir
Swedish: bestämma,

fastställa Turkish: saptamak, belirlemek

determine2 [di'tə:min] verb

to find out exactly

Example: He tried to determine what had gone wrong.

يُحَدِّد، يُعَيِّن :Arabic

Chinese (Simplified): 确定 Chinese (Traditional): 確定

Czech: zjistit

Danish: fastslå; afgøre

Dutch: vaststellen

Estonian: kindlaks tegema

Finnish: selvittää French: établir

German: feststellen Greek: καθορίζω

Hungarian: megállapít Icelandic: ákvarða, finna út Indonesian: menemukan

Italian: determinare

Japanese: 確定する

Korean: 알아내다, 밝히다

Latvian: noteikt *Lithuanian:* nustatyti

Norwegian: fastslå, finne ut

av

Polish: ustalać Portuguese (Brazil): determinar Portuguese (Portugal): determinar

Romanian: a stabili

Russian: устанавливать

Slovak: zistiť Slovenian: ugotoviti Spanish: determinar, establecer

Swedish: fastställa Turkish: saptamak, belirlemek

See also: determined, determination

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Merriam-Webster's Medical Dictionary - Cite This Source

Main Entry: de·ter·mine Pronunciation: di-'t&r-m&n Function: transitive verb

Inflected Forms: de·ter·mined; de·ter·min·ing /-'t&rm-(&-)ni[ng]/

1 a : to obtain definite information about with regard to quantity, character, magnitude, or location < determine the ionic concentration > < determine the

creatinine in blood serum> b: to discover the taxonomic position or the generic and

specific names of

2 : to bring about the determination of < determine the fate of a cell>

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Merriam-Webster's Dictionary of Law - Cite This Source

Main Entry: de·ter·mine Function: transitive verb

Inflected Forms: -mined; -min·ing : to make a determination regarding

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determine

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